

APPEAL NO. 023195
FILED FEBRUARY 4, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 5, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____; that the claimant had disability from October 1 through November 12, 2001; and that the appellant (self-insured) has not waived the right to dispute compensability of the claimed injury by not contesting the injury in accordance with Section 409.021. The self-insured appealed the hearing officer's injury and disability determinations based on sufficiency of the evidence grounds. The claimant responded, urging affirmance. The parties stipulated that the self-insured has not waived the right to dispute compensability of the claimed injury by not contesting the injury in accordance with Section 409.021.

DECISION

Affirmed.

The claimant testified that he injured his back at work while lifting a box of groceries from the floor on _____, and that he sought medical treatment on September 30, 2001, because his back condition was worsening. A letter dated October 22, 2001, from Dr. P, a neuro-surgeon, states that the claimant had an MRI of the lumbar spine on October 12, 2001, that reflected "a moderate to severe disc herniation paracentral to the right at the L4-5 level impacting on the thecal sac and nerve root at that level." The claimant had a right L4-5 hemilaminectomy and right L4-5 diskectomy on October 31, 2001. The claimant testified that he was released to return to work on November 12, 2001.

The questions of whether the claimant sustained a compensable injury and whether he had disability presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within his province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the self-insured. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge